

CHAPTER 14

REGION 5 MANUAL

COMPREHENSIVE ENVIRONMENTAL RESPONSE,  
COMPENSATION AND LIABILITY ACT

DELEGATIONS

14-44. State and Tribal Response Program Funding

1. AUTHORITY. To exercise the Agency's authority pursuant to Section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended:
  - a. To make determinations and take actions necessary to approve grants.
  - b. To enter into or modify a Memorandum of Agreement (MOA) with a state or Indian tribe regarding that state's or tribe's voluntary response program.
2. TO WHOM DELEGATED. The authority in 1.a. is delegated to the Director, Superfund Division. Also, the authority in 1.b. to modify an MOA is delegated to the Director, Superfund Division.
3. LIMITATIONS.
  - a. Headquarters Delegation 14-44 delegates the authority to enter MOAs to the Regional Administrator. This authority cannot be delegated below Regional Administrator level.
  - b. The authority in paragraph 1.a. must be exercised in accordance with program guidance issued by the Assistant Administrator for Solid Waste and Emergency Response (AA/OSWER) or his/her designee.
  - c. The authority in paragraph 1.b. to modify an MOA shall only be exercised after consultation with the AA/OSWER and the AA/OECA or their designees unless waived by these AAs.
  - d. This authority shall be exercised subject to approved funding levels.
4. REDELEGATION AUTHORITY. The authorities contained in this delegation cannot be further redelegated.
5. ADDITIONAL REFERENCES.
  - a. The Federal Grant and Cooperative Agreement Act of 1997, 31 U.S.C. Section 6301, et seq.
  - b. EPA Order 5700.1, *Policy for Distinguishing Between Assistance and Acquisition.*

- c. 40 CFR Part 31, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."
- d. EPA Delegation 1-14, *Assistance Agreements*.
- e. EPA Delegation 14-44, *State and Tribal Response Program Funding*.